
By: **Senator Pipkin**

Introduced and read first time: February 2, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Queen Anne's County - Board of Education - Selection of Members**

3 FOR the purpose of requiring that the members of the Queen Anne's County Board of
4 Education be elected; establishing a procedure for the election of members of the
5 Queen Anne's County Board of Education; establishing a certain term of office
6 for elected members and staggering the terms of the members; providing for the
7 removal of members under certain circumstances; providing for certain
8 nonvoting student members; providing a procedure for filling a vacancy on the
9 County Board; providing for the election of the president and vice president of
10 the County Board; providing for the compensation of the members of the County
11 Board; requiring the County Board to meet at certain intervals; submitting this
12 Act to a referendum of the legally qualified voters of Queen Anne's County;
13 providing for the effective date of certain provisions of this Act; and generally
14 relating to the Queen Anne's County Board of Education.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 3-114(a)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2005 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Education
22 Section 3-114(a)
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)
25 (As enacted by Chapter 289 of the Acts of the General Assembly of 2002)

26 BY adding to
27 Article - Education
28 Section 3-10A-01 through 3-10A-04, inclusive, to be under the new subtitle
29 "Subtitle 10A. Queen Anne's County"
30 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Education**

5 3-114.

6 (a) In the following counties, the members of the county board shall be elected:

7 (1) Allegany;

8 (2) Calvert;

9 (3) Carroll;

10 (4) Cecil;

11 (5) Charles;

12 (6) Dorchester;

13 (7) Frederick;

14 (8) Garrett;

15 (9) Howard;

16 (10) Kent;

17 (11) Montgomery;

18 (12) QUEEN ANNE'S;

19 [(12)] (13) St. Mary's;

20 [(13)] (14) Somerset;

21 [(14)] (15) Talbot;

22 [(15)] (16) Washington; and

23 [(16)] (17) Worcester.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
25 read as follows:

1

Article - Education

2 3-114.

3 (a) In the following counties, the members of the county board shall be elected:

4 (1) Allegany;

5 (2) Calvert;

6 (3) Carroll;

7 (4) Cecil;

8 (5) Charles;

9 (6) Dorchester;

10 (7) Frederick;

11 (8) Garrett;

12 (9) Howard;

13 (10) Kent;

14 (11) Prince George's;

15 (12) Montgomery;

16 (13) QUEEN ANNE'S;

17 [(13)] (14) St. Mary's;

18 [(14)] (15) Somerset;

19 [(15)] (16) Talbot;

20 [(16)] (17) Washington; and

21 [(17)] (18) Worcester.

22 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
23 read as follows:

24

Article - Education

25

SUBTITLE 10A. QUEEN ANNE'S COUNTY.

26 3-10A-01.

27 (A) THE QUEEN ANNE'S COUNTY BOARD CONSISTS OF:

1 (1) FIVE VOTING, NONPARTISAN, ELECTED MEMBERS; AND

2 (2) ONE NONVOTING STUDENT REPRESENTATIVE FROM EACH PUBLIC
3 HIGH SCHOOL IN THE COUNTY.

4 (B) THE FIVE VOTING, NONPARTISAN, ELECTED MEMBERS SHALL BE
5 ELECTED BY THE VOTERS OF THE ENTIRE COUNTY AT A GENERAL ELECTION IN
6 ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

7 (C) (1) (I) ONE VOTING MEMBER SHALL RESIDE IN AND BE ELECTED
8 FROM EACH OF THE FOUR COUNTY COMMISSIONER DISTRICTS; AND

9 (II) ONE MEMBER SHALL RESIDE IN THE COUNTY AND BE ELECTED
10 FROM THE COUNTY AT LARGE.

11 (2) (I) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO
12 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE
13 COUNTY BOARD.

14 (II) A MEMBER AT LARGE WHO NO LONGER RESIDES IN THE
15 COUNTY MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD.

16 (3) A CANDIDATE ELECTED TO THE COUNTY BOARD SHALL BE A
17 REGISTERED VOTER AND RESIDENT OF QUEEN ANNE'S COUNTY FOR AT LEAST 3
18 YEARS.

19 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH ELECTED
20 VOTING MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST
21 MONDAY IN DECEMBER AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR
22 IS ELECTED AND QUALIFIES.

23 (2) THE INITIAL TERMS OF THE ELECTED VOTING MEMBERS ARE
24 STAGGERED AS FOLLOWS:

25 (I) THE THREE MEMBERS ELECTED TO THE COUNTY BOARD AT
26 THE GENERAL ELECTION IN NOVEMBER 2008 WHO RECEIVE THE HIGHEST NUMBER
27 OF VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT ELECTION
28 SHALL SERVE FOR A TERM OF 6 YEARS; AND

29 (II) THE TWO MEMBERS ELECTED TO THE COUNTY BOARD AT THE
30 GENERAL ELECTION IN NOVEMBER 2008 WHO RECEIVE THE LEAST NUMBER OF
31 VOTES CAST FROM AMONG THE SUCCESSFUL CANDIDATES AT THAT ELECTION
32 SHALL SERVE FOR A TERM OF 4 YEARS.

33 (3) THE GOVERNOR SHALL APPOINT A NEW MEMBER TO FILL ANY
34 VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM AND UNTIL
35 A SUCCESSOR IS ELECTED AND QUALIFIES.

1 (E) (1) THE NONVOTING STUDENT MEMBERS OF THE COUNTY BOARD
2 SHALL BE ELECTED FROM EACH OF THE PUBLIC HIGH SCHOOLS IN THE COUNTY BY
3 THEIR RESPECTIVE STUDENT BODIES.

4 (2) EACH STUDENT MEMBER SHALL:

5 (I) BE AN ELEVENTH OR TWELFTH GRADE STUDENT IN GOOD
6 STANDING IN THE QUEEN ANNE'S COUNTY PUBLIC SCHOOL SYSTEM;

7 (II) BE A STUDENT GOVERNMENT ASSOCIATION REPRESENTATIVE
8 AT THE STUDENT'S HIGH SCHOOL;

9 (III) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE
10 ELECTION OF THE MEMBER;

11 (IV) BE NONVOTING; AND

12 (V) ADVISE THE COUNTY BOARD ON THE THOUGHTS AND
13 FEELINGS OF STUDENTS IN THE QUEEN ANNE'S COUNTY PUBLIC SCHOOLS.

14 (3) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A
15 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBER MAY NOT ATTEND AN
16 EXECUTIVE SESSION OF THE COUNTY BOARD.

17 3-10A-02.

18 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR
19 ANY OF THE FOLLOWING REASONS:

20 (1) IMMORALITY;

21 (2) MISCONDUCT IN OFFICE;

22 (3) INCOMPETENCY;

23 (4) WILLFUL NEGLECT OF DUTY; OR

24 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST 75% OF THE
25 SCHEDULED MEETINGS OF THE COUNTY BOARD IN ANY 1 CALENDAR YEAR.

26 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE
27 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER
28 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

29 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

30 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A
31 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE
32 MEMBER A NOTICE OF THE HEARING; AND

1 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD
2 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE IN PERSON
3 OR BY COUNSEL.

4 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE
5 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR QUEEN ANNE'S
6 COUNTY.

7 3-10A-03.

8 (A) AT ITS FIRST MEETING IN DECEMBER OF EACH YEAR, THE COUNTY BOARD
9 SHALL ELECT A PRESIDENT AND VICE PRESIDENT FROM AMONG THE BOARD
10 MEMBERS.

11 (B) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

12 3-10A-04.

13 (A) THE PRESIDENT OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$4,000
14 ANNUALLY AS COMPENSATION AND THE OTHER VOTING MEMBERS EACH ARE
15 ENTITLED TO RECEIVE \$3,500 ANNUALLY AS COMPENSATION.

16 (B) THE PRESIDENT OF THE COUNTY BOARD AND OTHER MEMBERS EACH ARE
17 ENTITLED TO REIMBURSEMENT NOT TO EXCEED \$1,000 A YEAR FOR TRAVEL AND
18 OTHER EXPENSES.

19 (C) THE QUEEN ANNE'S COUNTY COMMISSIONERS MAY INCREASE THE
20 ANNUAL SALARY OF THE COUNTY BOARD.

21 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
22 take effect on the taking effect of the termination provision specified in Section 20 of
23 Chapter 289 of the Acts of the General Assembly of 2002. If that termination provision
24 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.
25 This Act may not be interpreted to have any effect on that termination provision.

26 SECTION 5. AND BE IT FURTHER ENACTED, That the terms of the
27 appointed members of the Queen Anne's County Board of Education shall expire at
28 the end of November 30, 2008.

29 SECTION 6. AND BE IT FURTHER ENACTED, That before Sections 1 through
30 5 of this Act become effective, this Act shall first be submitted to a referendum of the
31 legally qualified voters of Queen Anne's County at the general election to be held in
32 November of 2006. The cost of the election, if any, shall be paid by the County
33 governing body. The County governing body and the County Board of Elections shall
34 do those things necessary and proper to provide for and hold the referendum required
35 by this section. There shall be printed on the ballot to be used at this election the title
36 of this Act and underneath the title, on separate lines, a square or box opposite the
37 words "For a Board of Education Elected by the Voters of Queen Anne's County" and
38 a corresponding square or box opposite the words "For a Board of Education
39 Appointed by the Governor". A voter may choose only one of the methods of selection.

1 If a majority of the votes cast on the question are "For a Board of Education Elected
2 by the Voters of Queen Anne's County", Sections 1 through 5 of this Act shall become
3 effective on the 30th day following the official canvass of votes for the referendum, but
4 if a majority of the votes cast on the question are "For a Board of Education Appointed
5 by the Governor", the provisions of this Act are of no effect and null and void.

6 SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions
7 of Section 6 of this Act, this Act shall take effect June 1, 2006.